

COHEN & GREEN

October 11, 2022

Hon. Robert M. Levy, U.S.M.J.
United States District Court for the Eastern District of New York
225 Cadman Plaza East, Room 1227 South
Brooklyn, New York 11201

By Electronic Filing.

Re: Case No. 21-cv-04821, Cohen et al. v City of New York, et al.

Dear Judge Levy:

My firm is co-counsel to the Plaintiff in the case named above. I write, with Defendants' consent, to ask (1) for a *sine die* extension of discovery deadlines and relatedly, (2) to ask for a formal referral to the mediation program (with a fee waiver).

As I understand Your Honor to be aware, our firm and the City have discussed mediating a number of cases arising out of the protests during the summer of 2020. This case is one of those cases, and so we would ask the Court to issue a referral to the mediation program, with a fee waiver (as the City has requested). Given that process, we would also ask for an adjournment of discovery deadlines *sine die*, so the process may run its course and the parties may take the time necessary to fully explore settlement. Defendants consent to this request.

As always, I thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

COHEN&GREEN P.L.L.C.

Attorneys for Plaintiff

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cc:

All relevant parties by ECF.



APPENDIX: Documents Useful in Identifying NYPD Does

- 1) Arrest records generated by Defendants, including as a result of Plaintiff's arrest (including Plaintiff's handcuffing), such as, but not limited to:
 - a) TRI and other use of force report(s)
 - b) Digital arrest processing photograph(s)
 - c) Mass Arrest Pedigree Label(s)
 - d) Mass Arrest Processing Center ("MAPC") intake, processing, and release records;
 - e) C-Summons(es);
 - f) Online Booking System ("OLBS") Report(s)
 - g) Complaint(s);
 - h) Desk Appearance Ticket(s); and
 - i) Criminal Court Complaint(s)
- 2) Body-worn camera footage from the Defendants and NYPD members identified in Plaintiff's arrest records, as well as all footage that was recorded at the same date, time, and location of Plaintiff's arrest
- 3) Activity Log (memo book) entries from the Defendants and NYPD members identified in Plaintiff's arrest records
- 4) Detail Rosters including the names of the Defendants and NYPD members identified in Plaintiff's arrest records from the date of the incident
- 5) Roll Calls including the names of the Defendants and NYPD members identified in Plaintiff's arrest records from the date of the incident
- 6) Records arising from any investigation related to Plaintiff's arrest (for example, by the Office of the Mayor ("OTM"), the NYPD's Internal Affairs Bureau ("IAB"), the New York City Civilian Complaint Review Board ("CCRB"), the Office of the Attorney General of the State of New York ("OAG"), the New York City Department of Investigation ("DOI"), or any prosecutor)
- 7) Request for Detail and other internal NYPD communications reflecting resources deployed to the date, time, and location of Plaintiff's arrest
- 8) Documents sufficient to identify the Incident Commander(s) and any members of the NYPD's Strategic Response Group ("SRG") or Legal Bureau who were present at the date, time, and location of Plaintiff's arrest
- 9) Detail rosters reflecting the NYPD resources that were deployed to the date, time, and location of Plaintiff's arrest



- 10) Operations Unit records reflecting the NYPD resources that were deployed to the date, time, and location of Plaintiff's arrest
- 11) Overtime records reflecting the NYPD resources that were deployed to the date, time, and location of Plaintiff's arrest
- 12) Recordings of NYPD communications (including on Citywide and other channels) related to the date, time, and location of Plaintiff's arrest
- 13) Any 49's/Unusual Occurrence Report(s) related to the date, time, and location of Plaintiff's arrest
- 14) Mass Arrest Report related to the date, time, and location of Plaintiff's arrest
- 15) Other arrest-related records (such as summonses, OLBS reports, etc.) from the date, time, and location of Plaintiff's arrest related to third-party arrestees
- 16) Records documenting uses of force from the date, time, and location of Plaintiff's arrest
- 17) Logs from any Command Post that was in operation related to the police operation that led to Plaintiff's arrest
- 18) Body-worn camera footage from each NYPD member named in any Mass Arrest Report or other arrest records arising from the date, time, and location of Plaintiff's arrest
- 19) NYPD TARU footage, NYPD Aviation footage, ARGUS camera footage, DOT camera footage, and other camera footage arising from the date, time, and location of Plaintiff's arrest
- 20) Mass Arrest Processing Center (or "MAPC") records arising from third-party arrests made at around the date, time, and location of Plaintiff's arrest
- 21) Records relating to any investigation arising from events that occurred around the date, time, and location of Plaintiff's arrest (for example, by the OTM, IAB, CCRB, OIG, DOI, or any prosecutor)